

# "EXHIBIT 1"

## RESOLUTION NO. \_\_\_\_\_

### FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT Marin Public Safety and Emergency Communications System

#### I. OVERVIEW

##### A. Background

The Marin Emergency Radio Authority (MERA) Board of Directors on February 24, 2000 adopted findings pursuant to the California Environmental Quality Act (CEQA) in approving the proposed emergency communications project (Resolution 00-01, Exhibit 1).

##### B. Purpose of these Findings

These findings relate to the proposed Revised Project Description for the Marin Public Safety and Emergency Communications System, (hereinafter, "the Proposed Revised Project Description"). These findings are made and adopted by the MERA Board of Directors in satisfaction of State requirements relative to the review, analysis, consideration, and approval of the Proposed Revised Project Description, and its environmental, planning, zoning and development documents. These findings also provide the written analysis and conclusions of the Board of Directors regarding the proposed Revised Project Description. These findings are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular topic and/or requirement of law. At times, these findings refer to materials in the administrative record that are either attached to these findings or are readily available from MERA.

##### C. The Proposed Revised Project Description

The MERA Board of Directors proposes to revise the Project Description approved by the Board on February 24, 2000 by relocating its West Marin emergency communications site. The previously approved Project Description is amended by deleting the Bolinas Fire Station site (APN 193-030-20), and adding the Martinelli Property (APN 188-090-15). The location, Assessor's Parcel Number, and zoning designation for each site in the Revised Project Description are identified below.

<b>Site Name</b>	<b>Assessor Parcel No.</b>	<b>Jurisdiction</b>	<b>Designation</b>
Prime Site	179-270-11	Marin County	P/QP
Civic Center	179-270-11	Marin County	P/QP
Big Rock	164-300-07	Marin County	RMP-0.31
Mt. Tamalpais	197-120-31	Marin County	O/A
Mt. Barnabe	166-080-08	Marin County	APR-20
Martinelli Property	188-090-15	Marin County	C-ARP-10
Bolinas Ridge	197-120-30	Marin County	O-A
Forbes Hill	010-261-02	City of San Rafael	P/QP
Dollar Hill	011-051-02	City of San Rafael	P/OS
San Pedro	015-250-21	City of San Rafael	P/OS

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Site Name	Assessor Parcel No.	Jurisdiction	Designation
Ridge Mt. Tiburon Tank	058-261-32	Town of Tiburon	P/QP
Mt. Burdell	125-180-17	City of Novato	PC
Point Reyes Hill	109-160-23	NPS/County of Marin	O-A
Mill Valley City Hall	028-001-06, 16 and 21	Town of Mill Valley	O-A
Novato Police Dept.	153-061-28	City of Novato	C-P
Bay Hill Road	100-190-07	Sonoma County	AE-CC-B6
Sonoma Mountain	136-190-09	Sonoma County	RRD-WA-40

### D. Defined Terms

To provide consistency in the use of terms and to increase readability, these findings often provide short parenthetical terms for certain longer, more encompassing terms or concepts. Unless the context requires a different meaning, any term or phrase used in these findings which has its first letter capitalized shall have that meaning given to it by these findings. Certain such terms and phrases are referenced below, while others are defined where they appear in the text of these findings.

**MERA** – The Marin Emergency Radio Authority, a Joint Powers Authority formed for the purpose of financing, developing and operating an emergency communication network, the sponsor of the Proposed Project.

**Board of Directors** – The Marin Emergency Radio Authority Board of Directors.

**CEQA** – The California Environmental Quality Act; Public Resources Code §21000 et seq.

**Condition** – An adopted Condition of Approval for the Marin Emergency Communication System conceptual plan that is incorporated in the resolutions for conceptual approval.

**Design-level Plans** – Design-level plans refer to detailed and specific project plans for site preparation and construction of improvements and facilities that would be prepared for development stages subsequent to conceptual approval, including Precise Development Plans, Improvement Plans, and grading and building permit plans.

**EIR** – The term “EIR” (environmental impact report) is a general reference to the Final Environmental Impact Report, and other documents incorporated by reference into the Final EIR, including the Initial Study (September 16, 1999), the Draft EIR (November, 1999) and the Final EIR, the Responses to Comments (February 2000), and other documents incorporated by reference into the Final EIR.

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**Addendum** - The term "Addendum" is a general reference to January 2006 Addendum that analyzes the potential environmental impacts of the proposed revision to the MERA Project Description, and the relevance of the studies findings to the State CEQA Guidelines

**Mitigation Measures** -- CEQA requires that, where feasible, significant impacts of a project be avoided or mitigated. Measures to avoid or mitigate such impacts are referred to herein as Mitigation Measures.

**MMRP** – The term “MMRP” (Mitigation Monitoring and Reporting Program) refers to a mitigation monitoring program that is adopted if a project is approved with an EIR that identifies significant environmental impacts pursuant to Public Resources Code §21081.6. The MMRP, derived from Appendix E of the previously certified EIR and contained in “Exhibit 3” of the February 24, 2000 approval resolutions and incorporated herein by reference, is designed to ensure revised project compliance with adopted Mitigation Measures during project implementation.

**Proposed Project** – The MERA proposal to revise its previously approved Project Description by eliminating the Bolinas Fire Station Site and adding the Martinelli Property as the West Marin segment of its regional emergency communications system. This is the “project” pursuant to CEQA §21065 and State CEQA Guidelines §15378.

**State CEQA Guidelines** – The State regulations implementing CEQA; California Administrative Code, Title 14, Chapter 3, §15000 et seq.

**Responsible Agencies** – Among others, the primary responsible agency is the County of Marin.

E. Severability

If any term, provision, or portion of these findings or the application of same to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these findings, or the application of same to other situations, shall continue in full force and effect unless amended or modified by MERA.

F. Project EIR

The Final EIR certified by the MERA Board of Directors on February 24, 2000 (Resolution No. 00-01) examined the environmental impacts of a specific development project pursuant to the State CEQA Guidelines §15161. The certified Final EIR and the Addendum are intended to serve as the environmental documentation for the Proposed Project, consisting of all the discretionary actions necessary for project implementation. The certified Final EIR and Addendum provide a complete evaluation of not only the Proposed Project, but also the cumulative impacts of the whole of the MERA Project along with other existing and proposed uses, and alternatives to the whole of the MERA Project. The certified Final EIR and Addendum are also intended to serve as the environmental documentation for all public agency actions subsequent to the actions in the resolutions to which these findings are attached, including approvals, permits, or other entitlements granted or issued in connection with the planning, approval, construction, operation, and maintenance of the development contemplated by the Proposed Project.

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The planning and project review process provides for various development permit applications, including but not limited to, Use Permits, Development Plans, Design Review, Improvement Plans, and grading and building permits. MERA may file development applications necessary for a project concurrently or in stages at succeeding steps of the planning and project review process. The certified Final EIR and Addendum were prepared to address all phases of project implementation, including planning, approval, construction, operation, and maintenance of the development contemplated by the Proposed Project at a level of specificity which corresponds to the available information about the project, consistent with provisions of State CEQA Guidelines for degree of specificity in an EIR. Therefore, the certified Final EIR and Addendum are written to serve as a focussed EIR pursuant to State CEQA Guidelines for those aspects of the Proposed Project that would require more detailed and specific design-level plans in the subsequent project development applications necessary to carry out the project. The certified Final EIR and Addendum serve as a final site-specific EIR for the Proposed Project that would be implemented upon grading and/or building permit approvals.

### **II. FINDINGS ARE DETERMINATIVE**

Whereas the Board of Directors recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the certified Final EIR, Addendum, and the administrative record; that experts can disagree; and that the Board of Directors must base its decisions and these findings on the substantial evidence in the record that it finds most compelling. Therefore, by these findings, the Board of Directors ratifies, clarifies, and/or makes insignificant modifications to the Addendum and resolves that these findings and the Mitigation Monitoring and Reporting Program contained in Exhibit 3 of Resolution 00-01, as implemented by the Conditions of Approval contained in Exhibit 4 of Resolution 00-01, shall control and are determinative of the significant impacts of the Proposed Project and requirements imposed on the Proposed Project in response to those impacts. Both Exhibits 3 and 4 are incorporated herein by reference.

The Addendum does not add any significant new information to the certified Final EIR, and no substantial changes to the certified Final EIR and/or project as approved with conditions have occurred which trigger recirculation criteria and/or require recirculation of the EIR as a Draft Subsequent or Supplemental EIR pursuant to CEQA Guidelines §15162 and §15163. Only minor and insignificant technical changes, clarifications and additions to the certified Final EIR and/or project as approved with conditions have been made in the Proposed Project, and the modifications and/or information contained in the Addendum have not deprived the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.

### **III. COMPLIANCE WITH CEQA**

WHEREAS the administrative record of the procedural history of the Proposed Project is described above, and the Board of Directors has reviewed and considered the information therein. Therefore, the Board of Directors finds, as supported by the record, that it has complied with all the requirements of CEQA.

### **VI. MITIGATION MEASURES AND CONDITIONS OF APPROVAL ADOPTED IN FULL**

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WHEREAS the Board of Directors has modified the Proposed Project by the Conditions of Approval (Exhibit 4), the Revised Mitigation Monitoring and Reporting Program (Exhibit 3), and these findings, to attempt to avoid or mitigate to a less-than-significant level all Proposed Project impacts, and to otherwise consider, address, and resolve all of the environmental concerns discussed in the Addendum. The discussion which follows under the caption "Facts" for each potentially new significant impact recites some of the background environmental impact information related to the Proposed Project; the finding made by the Board of Directors is set forth under the caption "CEQA §21081(a) Finding;" and the discussion under the caption "Evidence Supporting the Finding" contains substantiating information about what mitigation is provided and how it reduces the significant impact. Therefore, the Board of Directors finds that the specific references to Mitigation Measures and Conditions of Approval provided herein are intended to indicate where the particular measure or condition can be found and not to indicate that adoption of the precise mitigation or condition is limited to the information in the findings, where instead, the referenced Mitigation Measures and Conditions of Approval are adopted in full.

### **V. CONCURRENCE WITH POTENTIAL IMPACTS DETERMINED TO BE LESS-THAN-SIGNIFICANT IMPACTS WITHOUT NEED FOR IMPOSITION OF MITIGATION**

WHEREAS the Board of Directors has reviewed and considered the information in certified Final EIR and the Addendum, and said documents contain certain conclusions that the Proposed Project would cause environmental impacts which are less-than-significant without the imposition of mitigation. Therefore, the Board of Directors, relying on the facts and analysis in the Addendum, concurs with the conclusions of the Addendum regarding the less-than-significant environmental impacts of the Proposed Project identified therein.

### **VI. CEQA §21081(a) FINDINGS REGARDING SIGNIFICANT IMPACTS**

WHEREAS the Addendum identifies certain significant environmental impacts caused by the Proposed Project and recommends specific mitigation measures to reduce these impacts to a less-than-significant level and the Board of Directors has reviewed and considered the information in the Addendum, and in the entire record; therefore, the Board of Directors makes specific findings, as follows, for each potentially significant impact, pursuant to CEQA §21081(a), based not only on the Addendum, but on the evidence in the entire record, including the certified Final EIR, and written and oral testimony to the Board of Directors.

According to CEQA §21081, as amended by Chapter 1294 of the Statutes of 1994, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- A. The public agency makes one or more of the following findings with respect to each significant effect:
  1. Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment (referred to herein as: "Finding 1: The impact is mitigated to a less-than-significant level.").
  2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency

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(referred to herein as “Finding 2: Another public agency can and should mitigate the impact.”).

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of improved emergency services, make infeasible the mitigation measures or alternatives identified in the environmental impact report (referred to herein as: “Finding 3: Specific considerations make mitigation measures or alternatives infeasible.”; or if the impact is partially mitigated, but not to a less-than-significant level: “Finding 3: The impact would be mitigated, but not to a less-than-significant level. Specific considerations make further mitigation measures or alternatives infeasible.”).

- B. With respect to the significant effects that were subject to Finding 3 described above, the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

The following facts, findings, and substantial evidence supporting the findings do not repeat the full analysis of impacts and description of mitigation measures contained in the documents making up the administrative record. Instead, the following discussion specifically references the documents containing such information. The referenced documents are either included or attached herein, or are readily available to the public for review at the Marin Emergency Radio Authority Offices – 27 Commercial Boulevard, Suite C, Novato, California.

### **Aesthetic Resources**

#### Martinelli Property - Preferred Site

##### Facts

The Addendum found that the construction of a new communications site with a 35-foot monopole plus 10-foot whip antenna at the preferred site on the Martinelli property is partially visible from Mesa Road. The addendum also found that the entire communications facility is visible along a 60 to 70 yard segment of a sparsely used hiking trail just west of the site on lands of the Golden Gate National Recreation Area (GGNRA). The view impact from MESA Road was deemed insignificant given the existing tree cover and vegetation that screens the site from the Mesa Road view. Only the upper level of the monopole is visible and appears similar in form and color to the surrounding vegetation. However, the view from the hiking trail on the lands of the GGNRA was deemed potentially significant and plant-screening mitigation was recommended in the Addendum, and the recommended mitigation has been included in the Proposed Project. However, portions of the facility will still be visible to persons traversing the nearby hiking trail. Therefore the construction of the emergency communications facilities with planting mitigation at the preferred site on the Martinelli property will still cause a significant visual change to the near view of hikers on the public trail.

The certified Final EIR for the MERA project found that construction of emergency communications facilities with a 60-foot tower at the Bolinas Fire Station site was highly visible from Mesa Road and the implementation of the recommended planting and panting mitigation measures would only partially mitigate the potential significant visual impact and further mitigation was deemed infeasible. Therefore the visual impact could not be reduced to less-than-significant level at the Bolinas Fire Station Site (pages V-49 - V-51 of the DEIR)

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### CEQA § 21081(a) Findings

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of improved emergency services, make further visual mitigation measures at the preferred site on the Martinelli site infeasible. The visual impacts from distant views mitigated to a less-than-significant level. However, the near view with recommended painting and planting mitigation is partially mitigated, but not to a less-than-significant level.

The visual impacts of constructing the emergency communications facilities at the preferred site on the Martinelli Ranch are far less severe than the visual impacts of constructing the facilities at the Bolinas Fire Station Site. This finding is based on the facts that there is no existing vegetation cover to screen the 60 foot lattice tower at the fire station site from both distant and near views, but there is existing and proposed vegetation cover to effectively screen the facilities and 35 foot monopole on the Martinelli property site from both distant and near views. In addition the Bolinas Fire Station Site is adjacent to existing recreation facilities visited often by local residents in the Bolinas area. The site on the Martinelli property is on private land and would only be visible in the near view to the few individuals that traverse the hiking trail west of the property and only for a distance of 60 to 70 yards.

CEQA Guidelines §15162(a)(3)(A) provides that no subsequent EIR need be prepared unless the proposed revision to the project results in a new or additional significant impact not identified or discussed in the certified Final EIR. As previously noted construction of emergency communications facilities with mitigation at the Bolinas Fire Station Site did not reduce the visual impact to less-than-significant, and the same is true with construction of the emergency communication facilities at the preferred site on the Martinelli Ranch. Accordingly, the Proposed Project will not result in any new significant impact.

Furthermore, §15162(a)(3)(B) provides that no Subsequent EIR is required unless a significant effect previously examined will substantially more severe. The facts conclude that construction of the emergency communications facilities at the Martinelli property will be far less visually severe than construction of the facilities at the Bolinas Fire Station Site.

### Evidence Supporting the Finding

Based on the Addendum, the certified Final EIR, and the entire record, aesthetic impacts will be partially mitigated by the imposition of EIR mitigation measure VIS-1(a) that requires that all facilities, existing and proposed, be painted a dark green color to reduce the visual contrast, resulting in the visual effect of making the facilities recede into vegetated backgrounds. In addition, the implementation of planting shown on the proposed site plan for the Martinelli Property (Addendum - Project Description) with plant species recommended by the biologist in the Addendum will reduce the visual impact of the facilities in the near hiking trail view (Addendum).

### **Air Quality**

#### Impact AIR-1. Local Air Quality Impacts

##### Facts

The EIR found that construction activities associated with the proposed project would have potential short-term impacts on local air quality. The potential impact is discussed on pages 103 –106 of the Initial Study.

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### CEQA § 21081(a) Findings

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect on the environment. The potential impact is mitigated to a less-than-significant level.

### Evidence Supporting the Finding

Based on the certified Final EIR and the entire record, local air quality impacts will be mitigated to a less-than-significant level by the imposition of the following mitigation measures AIR-1(a) – (j). These mitigation measures are; (a) Adhere to BAAQMD Regulation 11 Hazardous Pollutants Rule 2 for Asbestos Demolition, Renovation, and Manufacturing, b) construction equipment shall be maintained and turned at intervals recommended by manufacturers in order to minimize exhaust emissions, c) equipment idling shall be kept at a minimum when equipment is not in use, d) construction truck trips using nearby roadways shall be scheduled during non-peak hours, e) equipment and manpower shall be provided for watering exposed or disturbed soil surfaces at least twice daily, including weekends and holidays, f) stockpiles of debris, soil, sand, and other materials that may be blown by the wind shall be covered and the covering anchored, g) the construction area and all adjacent paved streets shall be swept daily of all mud and debris, h) any truck transporting dust-producing material leaving or entering the proposed project site shall be covered, and nearby roadways shall be cleaned regularly to reduce possible fugitive dust emissions outside the construction area, i.) the speed of all construction vehicles shall not exceed 25 miles per hour on unpaved surfaces, j) during construction operations the project proponent shall post a publicly visible sign on the site that specifies the telephone number an person/agency to contact for complaints and/or inquires on dust generation and other air quality issues resulting from the proposed project construction.

### Impact AIR-2 – Emergency Generator Effect on Air Quality

#### Facts

The EIR found that operation of the emergency generators would have potential significant impacts on air quality. This significant impact is discussed on pages 103-106 of the Initial Study.

### CEQA § 21081(a) Findings

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect on the environment. The potential impact is mitigated to a less-than-significant level.

### Evidence Supporting the Finding

Based on the EIR and the entire record, local air quality impacts will be mitigated to a less-than-significant level by the mitigation measure AIR-2(a) requiring that emergency power generators be equipped with emission control devices.

### Impact CULT-1. General

#### Facts

The certified Final EIR found that construction of the Bolinas Fire Station, Bolinas Ridge, and Point Reyes Hill sites may effect cultural resources, as these areas are designated as moderately high in



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archaeological, cultural or historic significance. The potential impact is discussed on pages 110 – 113 of the Initial Study. The Addendum found that Martinelli Property is also in an area designated as moderately high in archaeological, cultural or historic significance.

### CEQA § 21081(a) Findings

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect on the environment. The potential impact is mitigated to a less-than-significant level.

### Evidence Supporting the Finding

Based on the EIR and the entire record, cultural resource impacts will be mitigated to a less-than-significant level by the imposition of mitigation measure CULT-1(c). This mitigation measure requires that a professional archaeologist shall be present during project excavation and grading to observe and watch for the appearance of cultural resources at the project site. If bone is discovered that appears to be human, California Law requires that the Marin County Coroner as well as the Native American Heritage Commission be contacted immediately. If Native American resources are found, Native American Organizations shall be notified and consulted about any plans for treatment and handling. A note to this effect shall be included on all improvement plans, specifications, notes, and grading permits.

## **Geological Impacts**

### Impact GEO-1 – Seismic Impacts for All Sites

#### Facts

The EIR found that all sites are located in a region with the potential for significant ground shaking due to seismic activity. The potential impact is discussed on pages 113 – 117 of the Initial Study. The Addendum found that the preferred site on the Martinelli Property is in a similar geologic setting as the Bolinas Fire Station Site.

### CEQA § 21081(a) Findings

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect on the environment. The potential impact is mitigated to a less-than-significant level.

### Evidence Supporting the Finding

Based on the EIR and the entire record, geologic impacts will be mitigated to a less-than-significant level by the imposition of mitigation measure GEO-1(a) and (b). These mitigation measures requires that:

- a) A design level geotechnical report shall be prepared for the facilities proposed at each of the telecommunication sites. A qualified geotechnical engineer and engineering geologist should prepare the document, and this design level report should provide criteria for site preparation, pavement, and foundations. Site-specific earthquake forces should also be identified and incorporated into the design of structures; and
- b) All structures, including towers and earthworks, shall conform to the applicable earthquake design standard such as the Uniform Building Code.

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## **Hazard Impacts**

### Impact HAZ-1 – Hazardous Materials

#### Facts

The EIR found that hazardous materials, such as diesel and propane fuels, could create a significant hazard to the public if accidentally released. The potential impact is discussed on pages 117 – 123 of the Initial Study.

#### CEQA § 21081(a) Findings

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect on the environment. The potential impact is mitigated to a less-than-significant level.

#### Evidence Supporting the Finding

Based on the certified Final EIR and the entire record, geologic impacts will be mitigated to a less-than-significant level by the imposition of mitigation measure HAZ-1(a) and (b). These mitigation measures requires that:

- a) The project employ specifications, applicable state, local, and federal requirements and typical utility installation practices, and limit the risk of upset to occupants of the site and area residents. Responsibility for such practices shall be identified on plans as a component of the project; and
- b) The project establishes and prepares a monitoring and emergency response plan to be implemented during the operational phase of the proposed project. The plan shall include periodic inspection for leaks, spillage, or delivery problems and an appropriate response to the same.

### Impact HAZ-2 – Fire Hazards

#### Facts

The certified Final EIR found that proposed project structures would be exposed to fire hazards particularly under severe dry weather and wind conditions. In addition, construction operations could also increase the risk of wild land fires on the project sites. The potential impact is discussed on pages 117 – 123 of the Initial Study.

#### CEQA § 21081(a) Findings

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect on the environment. The potential impact is mitigated to a less-than-significant level.

#### Evidence Supporting the Finding

Based on the certified Final EIR and the entire record, fire hazard impacts will be mitigated to a less-than-significant level by the imposition of mitigation measures HAZ-2(a) through (f). These mitigation measures require that:

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- a) The fuel load around proposed telecommunications sites should be managed within a 30-foot perimeter. Grassland should be cut or grazed during the spring, summer, and fall to minimize the fuel load. Nearby trees and shrubs should be pruned of old growth. The understory should be cleared to prevent the "ladder effect" spread of fire to the trees;
- b) The fuel loads (i. e. grasses, brush) shall be reduced by mowing and pruning to reduce the risk of fire ignition on the construction site;
- c) The Contractor shall provide a water truck or portable water tank on-site during all construction operations. The number and capacity of water trucks or tanks shall be determined through coordination with the Marin County Fire Department;
- d) On-site fire response equipment (i. e., fire extinguishers, fire retardant blankets, shovels, buckets) shall be maintained and clearly marked at each project construction site;
- e) The Contractor shall ensure that all construction workers are trained in workplace safety measures and the use of on-site fire response equipment; and
- f) A wireless phone or other independent communication device shall be located on-site and clearly identified at all times during project construction.

### **Water Impacts**

#### Impact WATER-1 – Surface Water

##### Facts

The EIR found that Construction-related activities on all 17 sites have the potential to impact water quality. The potential impact is discussed on pages 123 – 126 of the Initial Study. The Addendum found the potential impacts to surface water would be similar at the preferred site on the Martinelli property.

##### CEQA § 21081(a) Findings

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effect on the environment. The potential impact is mitigated to a less-than-significant level.

##### Evidence Supporting the Finding

Based on the EIR and the entire record, water impacts will be mitigated to a less-than-significant level by the imposition of mitigation measure WATER-1(a) through (d). These mitigation measures requires that:

- a) The proposed project shall minimize surface disturbance as much as possible during grading and construction activities associated with the project;
- b) Excavated materials shall be disposed of or stored away from water resources, storm drain inlets, and the disposal or storage area shall be graded to minimize surface erosion;
- c) Pollutants such as sanitary wastes and petroleum products shall be collected and removed from the job as they accumulate. An emergency spill prevention and countermeasure plan shall be developed prior to commencement of site activities. When necessary, chemical toilets shall be used in order to prevent bacterial and nutrient contamination of surface waters; and
- d) The project utilize Best Management Practices (BMP) that locate construction activities and petroleum product storage away from drainage courses, storm drain inlets, and other water bodies to minimize toxic effects of petroleum products on aquatic organisms.

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## **Noise Impacts**

### Impact NOISE-1 – Construction Noise

#### Facts

The certified Final EIR found that related activities at some of the sites would have the potential for short-term increases in existing noise levels for the duration of the construction operations. The potential impact is discussed on pages 161 – 163 of the Initial Study. The Addendum concluded that potential noise impacts would be similar at the preferred site on the Martinelli property.

#### CEQA § 21081(a) Findings

Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effect on the environment. The potential impact is mitigated to a less-than-significant level.

#### Evidence Supporting the Finding

Based on the certified Final EIR and the entire record, water impacts will be mitigated to a less-than-significant level by the imposition of mitigation measure NOISE-1(a) and (b). These mitigation measures requires that:

- a) The Contractor shall be required to abide by the appropriate jurisdiction's adopted standards for noise and hours of construction during all phases of the project construction. The County of Marin standards shall be utilized when a jurisdiction has not adopted any. The Construction Project Manager or designated representative shall provide the Contractor with the applicable standards; and
- b) Air conditioning units and emergency power generators shall be selected and specified to meet the applicable noise standards.